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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

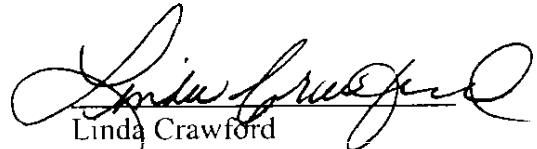
Ms. Marlene H. Dortch  
Office of the Secretary  
445 Twelfth Street, SW, TW-A325  
Washington, D.C. 20554

Re: Petition for Rule Making  
Reply Comments of Petitioner  
Smiley, Texas (MB Docket No. 02-248)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies each of Reply Comments of Linda Crawford for Smiley, Texas.

Respectfully Submitted,



Linda Crawford  
3500 Maple Ave., #1320  
Dallas, Texas 75219  
(214) 587-0668 Tele

No. of Copies rec'd  
List ABCDE

049

**Before The  
Federal Communications Commission  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 02-248
Table of Allotments	)	RM-I OS37
FM Broadcast Stations	)	
(Sniiley, Texas)	)	

To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau

**REPLY COMMENTS OF LINDA CRAWFORD**

I, Linda Crawford, hereby respectfully submit this Reply to Comments and Counterproposals filed by New Ulm Broadcasting Company ("New Ulm"), and LBR Enterprises, Inc. ("LBR"), in the above captioned proceeding

**DISCUSSION**

I.

**The Comments of New Ulm Broadcasting**

1. New Ulm Broadcasting, in their Comments and Counterproposal, question the accuracy of information provided in the original Petition in support of the community of Smiley, Texas. New Ulin specifically questions the ability of Siniley to qualify as a conimunity for FM allotment purposes. In support of that contention, New Ulm provides, in Exhibit 1, a seven page tribute to Smiley, Texas published on the internet by L.S. Wilcoxon . Upon review, it is noted that Mr. Wilcoxon chronicles stories about Smiley from 1963 to 1972. This is a personal website that features the personal opinions and

humor ~~of~~ the author, Mr. Wilcoxon.

2. Furthennore. New Ulin incorrectly states in its Counterproposal, that the Smiley School System had actually merged into the Nixon Independent School District *and* that no schools even exist in Sniiley. While it is true that the school district is now a merged pan of the Nixon-Smiley Consolidated Independent School District, the name of Sniiley and the name of Nixon were merged together to form the newly consolidated school system. There are seven board members on the Nixon-Smiley Consolidated Independent School District Board. Three members must be residents of what was formerly the Nixon Independent School District and three members must be residents of what was once the Smiley Independent School District. The seventh member may be a resident of any part of the consolidated district. (See Exhibit 1) Additionally, the Nixon-Sniiley Consolidated Independent School Board Meetings are alternated on a monthly basis between Nixon and Smiley. It is also true that the Nixon-Smiley Middle School is wholly located within the City of Smiley and has a current enrollment of 314 students and a staff and faculty of 35 persons including 28 teachers and 3 administrators. New Ulm also questions the credibility of the Stniiley population estimate of 507 people. As stated in the original petition, this estimate was as of January 1, 1998 according to the Texas State Data Center.<sup>1</sup> No other source was implied or mentioned. Although different, the reference by New Ulin to the new 2000 U.S. Census sets the population of Smiley at 453, the difference of the population estimate in and of itself has no material effect on the original petition or the status of the incorporation of Sniiley, Texas. On the date of the Counterproposal, New Ulm states it can only find 7 businesses which exist in Smiley and none of the 7 found by New Ulmi use the name of Smiley. However, the

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<sup>1</sup> From the 2000/ 2001 Texas Almanac, pages 289 & 346, See Exhibit 2.

principal of New Ulm Broadcasting, Roy E. Henderson, coincidentally, was also the principal of Smiley Community Radio Company, the proponent of Channel **280A** to Smiley, Texas, MM Docket No. 00-149. In his petition to the Commission to allot a new channel to Smiley, the very same community that he claims is not suitable for allotment purposes, Henderson then stated that Siniley, “has several places of worship including the Smiley United Methodist Church. Efeso Baptist Church and the Country Baptist Church. Smiley has its own middle school and library. Additionally. Smiley has a number of businesses and local institutions including!,*inter alia*, Smiley Produce & Feed, the Smiley Grocery Store, the Smiley One Stop, Smiley Disposal, Smiley Housing Authority and the Smiley City Offices”. (See Exhibit 3)’ In fact, Smiley does have a number of local businesses and local institutions including, Smiley One Stop Grocery & Cafe, Smiley Produce & Feed, Smiley Grocery Store, Smiley Realty, Smiley Housing Authority, Medina’s Taco Hut & Café, Borrer Electric Service, Janicek Insurance Agency, Janicek Tax Service, Centex Foods, Laren Industries, B & M Ammonia Sales, Inc., J & M Ammonia Refrigeration Services, Loader Services Inc. and Bee Agricultural Company. (See Exhibit 4) Clearly, more than 7 businesses exist in Smiley. The sense of community is also evident in the fact that many of these businesses incorporate the name of Siniley into their own business name. New Ulm also expresses concern over the lack of information supplied regarding the existence of any social or civic organizations and the availability of municipal services provided to the residents of Smiley. In direct response to this claim the names and addresses of the local places of worship, businesses,

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<sup>2</sup> Exhibit 3 consist of three documents. ihe Smiley Community Radio Company Petition for Rulemaking. the Smiley Community Radio Company withdrawal which includes a declaration of its principal, Roy E. Henderson, and the FCC 323 Ownership Report for station KNRG/ New Ulm, showing Roy E. Henderson DBA New Ulm Broadcasting Company.

school, library and government are hereby submitted..

3. The elected members of the city government of Smiley are as follows: Mayor, Donald Janicek, Mayor Pro Temp, Ricky Parker, City Council Person, Johnny Mareno and City Council Person Nelda Patterson, City Secretary, Jynell Moyer. The official Smiley City Offices and Smiley City Hall are located at 207 Hwy 87, Smiley, Texas. City services offered to the residents of Smiley include water and wastewater services from the City of Smiley Municipal Water & Sewer Department. Additionally, the City of Smiley provides for the maintenance of the Smiley City Streets. Emergency fire control services to the residents of Smiley are provided by the Smiley Volunteer Fire Department under the direction of Captain Billie Egger.

4. Smiley has local banking and financial services available via its own bank, the Wells Fargo Bank Texas NA, 102 W Hwy 87, Smiley, Texas. The local bank manager is Mark Veit.

5. Smiley also has its own public library, the Stella Ellis Hart Library, Hwy 108, Siniley, Texas. The head librarian is Susie Parker.

6. The City of Siniley has its own post office and zip code which is 78159. The Post Office, established in 1884, is located at Hwy 87, Smiley, Texas. According to Susan Falkenor, the postal officer in charge, the Smiley Post Office does provide regular residential delivery to the residents and businesses of Smiley.

7. The City of Smiley Water Tower is located otic block off Main St. and proudly displays the name of Smiley on all four sides. Five churches call Smiley home, and they include Smiley United Methodist Church, St. Phillip Catholic Church of Smiley, the Efesco Baptist Church, Smiley First Baptist Church and the Country Baptist Church.

8. Smiley is part of the Nixon-Smiley Consolidated Independent School District. However, the Nixon-Smiley Middle School system is wholly located within the City of Smiley at 500 Anglin St., Smiley, Texas. The Middle School Principal is Mr. Gary Tausch and has 314 students, from the 5<sup>th</sup> to 8<sup>th</sup> grades. School organizations include the 4-H Club and the Student Council. The facilities at the Middle School include a football field, track field and gym. The school is active in Football, Track, Tennis and Volleyball.

9. Smiley has several annual civic and community events. The Settlers' Set To is held each May in downtown Smiley, the Christmas Lighting Chili Cook Off held on the 1<sup>st</sup> Saturday in December and the Smiley Halloween Carnival which is held at the Smiley Volunteer Fire Station on October 31<sup>st</sup>. There are a number of local civic and community organizations in Smiley, including, the Smiley Improved Community Movement, the Smiley United Methodist Church Women's Organization, the Senior Citizen Organization/ Keenagers, Texas Silver Haired Legislature and the Smiley United Methodist Church Outreach Ministries. (See Exhibit 4) Additionally, the City of Smiley has its own separate telephone exchange in the phone book. (See Exhibit 5)

## II.

### **Analysis of New Ulm and LBR Counterproposals**

11. In the instant Counterproposal filed by New Ulm Broadcasting, New Ulm has suggested an alternative plan. Mutually exclusive to the original Siniley proposal, it proposes to reallocate channel 222A from New Ulin, Texas where it presently operates as KNRG, licensed to New Ulm Broadcasting, to Schulenburg, Texas as the first service operating on channel 222C3 in that community. However, upon analysis, this

Counterproposal is fatally flawed at this stage of the analysis. The Counterproposal places the new allocation of channel 222C3 in Schulenburg approximately 4.6 kilometers short to the instant application filed by Elgin FM Limited Partnership “Elgin” for channel 223A Elgin, Texas on October 18, 2002 for radio station KKLK. (See Exhibit 6) The “Elgin” application is for an instant minor modification construction permit. The request is facilitated via a mutual interference agreement with radio station KBLK (KBEY), Burnet, Texas to allow both stations to upgrade from “grand fathered” Class A 3kw stations, to “new” Class A 6kw facilities. At the time of filing, the application by “Elgin” was not mutually exclusive to any part of the original Smiley channel 280A NPRM that is currently under consideration by the Commission and therefore the application by “Elgin” cannot be considered as a counterproposal to the Smiley NPRM. “Elgin” proposes the use of a directional antenna to protect the required contour(s) of KYKM Yoakum, Texas subject to the Commission rules under section 73.215. The complimentary KBLK (KBEY) minor modification upgrade was previously filed on January 28, 2002 and is otherwise fully spaced and conforms with all Commission requirements. The Counterproposal filed by New Ulm was filed with the Commission on October 21, 2002. As a result of the filing by “Elgin” for KKLK, at least one business day prior to the date that New Ulm filed its Counterproposal, the site proposed by New Ulm now fails to provide a fully spaced allotment for channel 222C3 to Schulenburg as required by Commission rules, historically, the Commission has consistently chosen not to put on public notice counterproposals that fail to meet the fully spaced requirements. The New Ulm proposed site fails to comply with established rules for counterproposals.’

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<sup>3</sup> Any counterproposal filed in a rulemaking proceeding must comply with all Commission technical requirements. Broken Arrow and Bixby Oklahoma, Coffeyville, Kansas 3 FCC Rcd 6507 (1988)

Therefore, the New Ulm Counterproposal is fatally flawed and must be summarily dismissed.

12. In the instant Counterproposal filed by LBR Enterprises, Inc., LBR has also suggested an alternative plan. Mutually exclusive with the original Smiley proposal, it proposes the substitution of Channel 280A for Channel 223A/ KYKM at Yoakum, Texas and the substitution of Channel 223C3 for Channel 223N KZRC at Markham, Texas. LBR is proposing to move Channel 223A/ KYKM Yoakum from Channel 223A to 280A to a site 8.6 kilometers south of the current KYKM site. Since the proposed site is not from KYKM's current site, LBR is required to provide a consent statement from KYKM in the LBR Counterproposal. LBR does not provide the required KYKM consent statement within any part of their Counterproposal, nor does it make any reference to the existence or acceptance of a consent statement. Therefore, the LBR Counterproposal is materially defective and must be dismissed. Even if the LBR Counterproposal was not deemed to be defective it would be vastly inferior to the original Siniley Petition. The LBR Counterproposal only proposes increased coverage to Markham and the elimination of short spacing to KYKM in Yoakum, Texas. The original Siniley Petition proposes a new first service to the City of Smiley, Texas and would prevail according to Commission rules.<sup>4</sup> The FM priorities are: The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) other public interest matters [co-equal weight is given to Priorities (2) and (3)]. Smiley, Texas is priority 3 and the LBR proposal cannot qualify for a higher priority than the original Smiley proposal.

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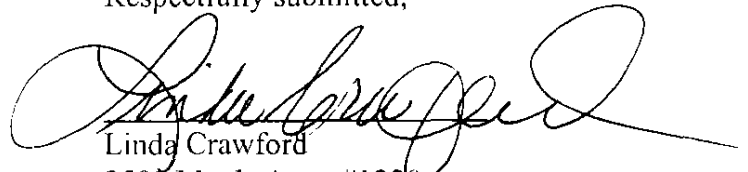
<sup>4</sup> See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982) ("FM Priorities").



13. For the foregoing reasons, I urge the Commission to allot Channel 280A to Siniley, Texas and deny the New Ulm Broadcasting Company and LBR Enterprises, Inc. Counterproposals. Should this petition be granted, and Channel 280A be allotted to Smiley, Texas, Petitioner will apply for Channel 280A, and after it is authorized, will promptly construct the new facility.

The factual information in these Reply Cominents of Linda Crawford to Comments and Counterproposals is correct and true to the best of my knowledge.

Respectfully submitted,



Linda Crawford  
3500 Maple Ave., #1329  
Dallas, Texas 75219  
(214) 587-0668      Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, suite 600, 1050 17<sup>th</sup> Street, N.W..  
Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney  
for the Petitioner. It is requested that the Commission and any parties who may file  
pleadings in the captioned matter serve copies to Mr. Bechtel as well as the Petitioner.

Novcinber 4, 2002

## **Exhibit 1**

(Nixon-Smilely CISD, Board Members)

Nixon-Smiley CISD  
089903

BOARD MEMBERS:  
ELECTIONS

BBB  
(LOCAL)

By order of the Commissioners Courts of Gonzales, Kames, Wilson, and Guadalupe counties on January 17, **1983**, and entered in the record February 8, 1983, election of Trustees shall be by place as described below.

Elections shall be held annually for three-year terms in cycles keyed off the years below:

Place 1 - Nixon: 2001,2004, 2007, and so forth.

Place 2 - Nixon: 2003,2006,2009, and so forth.

Place 3 - Nixon: 2003,2006,2009, and so forth

Place **4** - Smiley: 2002, 2005, 2008, and so forth.

Place 5 - Smiley: 2001,2004,2007, and so forth.

Place 6 - Smiley: 2002, 2005,2008, and so forth.

Place 7 - **At Large**: 2001,2004,2007, and so forth.

Candidates ~~for~~ places 1, 2, and 3 must be residents of what was formerly the Nixon Independent School District. Candidates for places 4, 5, and **6** must be residents of what was formerly the Smiley Independent School District. Candidates for place 7 may be residents of any part of the consolidated district

Trustees for the Nixon-Smiley Consolidated School District shall be elected by position as set out above in the election in April **1983**, and in all future elections. Vacancies in any of the places on the Board must be filled by persons who would qualify as candidates for that place, as set out above.

**DATE ISSUED:** 07/16/2001  
LDU-29-01  
BBB(L)-X

**This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]**

## **Exhibit 2**

(2000/ 2001 Texas Almanac)

MILLENNIUM EDITION



## Population 1990 and 1998

*Towns that no longer exist or town names no longer in use are in italics.*

For further information about these places turn to page 356 and the list of names beginning on page 357.

**Population:** Numbers in parentheses are from the 1990 count by the U.S. Bureau of the Census. The figures include revisions after the original publication.

The U.S. census counts only incorporated cities and some unincorporated towns called Census Designated Places (CDPs). CDPs in the following list have a double dagger symbol (‡). Cities that have incorporated since 1990 have "NC" (Not Counted).

Population figures to the right for those same cities are State Data Center estimates of Jan. 1, 1998. Names of the incorporated places are in capital letters, e.g., "ABBOTT."

The population figure given for all other towns is

an estimate received from local officials through a Texas Almanac survey. In some cases, we could not obtain a population estimate; these places show "NA" (Not Available) in place of a population figure.

**Location:** The county in which the town is/was located follows the name of town. If more than one county is listed, the town is principally in the first-named county, e.g., "AMARILLO, Potter-Randall."

**Businesses:** The number following the county name indicates the number of business that have been given a credit rating by Dun & Bradstreet as of March 1999. For example, "ABBOTT, Hill, 36" means that Abbott in Hill County had 36 businesses.

**County seats:** County seats are marked with a section mark (§).

**Post Offices:** Places with post offices, as of Jan. 1995, are marked with an asterisk (\*) e.g., "Aces".

Town /County . . . . .	Pop. 1998	Town/County . . . . .	Pop. 1998	Town/County . . . . .	Pop. 1998
Abbie, Jones		Ada, Montgomery		Agua Negra, Atascosa	
Abbieville, Denton		Adair, Fisher		Agua Nueva, Jim Hogg . . . . .	20
Abbingdon, Childress		Adair, Swisher		Ague, Walker	
*ABBOTT, Hill, 36 (314) . . . . .	369	Adalia, Caldwell		Aguilares, Webb . . . . .	37
Abe, Houston		Adams, Fort Bend		Aid, Grimes	
Abell, Carson		Adamsville, Panola		Aiken, Bell	
Abell City, Pecos		Adams, Pecos		*Aiken, Floyd, 4 . . . . .	57
Abercrombie, Travis		Adams, Schleicher		Aiken, Shelby . . . . .	75
Aberdeen, Collingsworth		Adams Bayou, Orangs		Aikin Grove, Red River . . . . .	26
Aberdeen, Henderson		Adams Gardens, Cameron . . . . .	200	Air, Mason	
Aberdeen, Smith		Adams Hill, Bexar		Air Hall, Bell	
Aberfoyle, Hunt . . . . .	35	Adams Spring, Falls		Airline, Harris	
ABERNATHY, Hale-Lubbock . . . . .		Adams Store, Panola . . . . .	NA	Airport City, Berar . . . . .	106
175 (2,720) . . . . .	2,703	Adamston, Brazoria		Airville, Bell . . . . .	10
§*ABILENE, Taylor-Jones, 5,720 (106,707) . . . . .	117,111	Adamsville, Lampasas . . . . .	41	Ajax, Panola	
Ables, Hudspeth		Addicks, Harris		Aken, Shelby	
Ables Springs, Hudspeth		Addielou, Red River . . . . .	11	Akin, Sabine	
Ables Springs, Kaufman . . . . .	NA	Addingtonville, Karnes		Akers, Schleicher	
Abner, Kaufman . . . . .	NA	*ADDISON, Dallas, 1,557 (8,783) . . . . .	11,722	Akron, Smith	
Abner, Rusk		Add-Ran, Hood		Alabama, Callahan	
Abney, Cameron		Addran, Hopkins . . . . .	NA	Alabama, Houston	
Abney's Farm, Denton		Adell, Parker . . . . .	NA	Alabama, Trinity	
Abney's Farm, Falls		Ad Hall, Milam		Alabama Creek, Trinity	
Abra, Collingsworth		Adieu, Jack		Alabama-Coushatta Indian Reservation, Polk . . . . .	478
‡ Abram-Perezville, Hidalgo (3,999) . . . . .	5,021	Adina, Lee		Alameda, Eastland	
Acacia, Cameron		*Adkins, Bexar 159	241	Alamita, Karnes	
Academy, Bell		Adkins' Store, Grimes		Alamito, Presidio	
Acala, Hudspeth . . . . .	25	Admiral, Callahan . . . . .	18	Alamo, Cass	
Acampo, Shackelford		Adobe, Hutchinson		*ALAMO, Hidalgo, 351 (8,210) . . . . .	11,899
*Ace, Polk, 4 . . . . .	40	Adobes, Presidio . . . . .	NA	Alamo, Wharton	
*ACKERLY, Dawson-Martin, 53 (243) . . . . .	261	Adobe Walls, Hutchinson		Alamo Alto, El Paso . . . . .	25
Acker's Ferry, Henderson		Adora [City], Montague		Alamo Beach, Calhoun . . . . .	NA
Acme, Hardeman . . . . .	14	Adora, Titus		*ALAMO HEIGHTS, Bexar (6,502) . . . . .	7,338
Acme, Henderson		*ADRIAN, Oldham, 28 (220) . . . . .	228	Alamo Mills, Casr	
Acme, Hudspeth		Adrian, Orange		Alamositas, Oldham	
Acme, Van Zandt		Adsul, Newton		*Alanreed, Gray, 8 . . . . .	48
Acol, Angelina		Adullam, Mason		Alarm Creek, Erath	
Acol, Polk		Advance, Parker . . . . .	NA	Alazan, Nacogdoches . . . . .	NA
Acol, Tyler		Ady, Potter		*ALBA, Wood-Rains, 102 (489) . . . . .	538
Acomb, McLennan		Alfie, Wheeler		Albade, Caldwell	
Acona, Guadalupe		Afra, Scurry		§*ALBANY, Shackelford, 184 (1,962) . . . . .	2,003
Acoin, Robertson		Africa, Liberty		Albert, Angelina	
Acrey, Erath		*Anon. Dickens, 11	15	Albert, Gillespie, 4 . . . . .	25
Acton, Hood . . . . .	1,129	Afton, Fisher		Alblon, Red River . . . . .	50
Acuff, Lubbock . . . . .	30	Anon. Lubbock		Albritten, Cherokee	
Acworth, Red River . . . . .	52	Agatite, Hardeman		Albuquerque, Wilson	
Ada, Camp		Agee, Hamilton		Alcedo, Angelina	
Ada, Lampasas		Agnes, Parker . . . . .	NA		
		Agricola, Parker			
		*AGUA OULCE, Nueces, 26 (794) . . . . .	831		

<b>Slide, Lubbock</b> . . . . .	44	<b>snow Hill, Titus</b> . . . . .		<b>'SOUTHMAYD, Grayson, 10</b>	
<b>*Slidell, Wise, 8</b> . . . . .	175	<b>Snow Hill, Upshur</b> . . . . .	75	<b>(643)</b> . . . . .	849
<b>Sligo, Yoakum</b> . . . . .		<b>Snowville, Hamilton</b> . . . . .		<b>Southmost, Cameron</b> . . . . .	
<b>Slinker's, Cameron</b> . . . . .		<b>Snowtown, San Jacinto</b> . . . . .		<b>SOUTH MOUNTAIN, Coryell</b>	
<b>Sloan, Navarro</b> . . . . .		<b>Snuff City, Smith</b> . . . . .	NA	<b>(301)</b> . . . . .	333
<b>Sloan, Navarro</b> . . . . .		<b>Snuff Ridge, Liberty</b> . . . . .	NA	<b>South Nolan, Bell</b> . . . . .	
<b>Sloan, San Saba</b> . . . . .	30	<b>Snug Harbor, Brazoria</b> . . . . .	193	<b>'SOUTH PADRE ISLAND,</b>	
<b>Slocum, Anderson, I</b> . . . . .	250	<b>Snyder, Bowie</b> . . . . .		<b>Cameron, 243 (1,677)</b> . . . . .	2,260
<b>Slocum, Hood</b> . . . . .		<b>Snyder, Hale</b> . . . . .		<b>'South Plains, Floyd, 6</b> . . . . .	.92
<b>Slover, Parker</b> . . . . .		<b>\$'SNYDER, Scurry, 734</b>		<b>South Wins, Martin</b> . . . . .	
<b>Slutter, Colorado</b> . . . . .		<b>(12,195)</b> . . . . .	11,865	<b>Southpoint, Cameron</b> . . . . .	
<b>Smoot, Travis</b> . . . . .		<b>Soash, Howard</b> . . . . .		<b>South Prairie, Stephens</b> . . . . .	.3
<b>Smackover, Andrews</b> . . . . .		<b>Soco, Victoria</b> . . . . .		<b>South Purmela, Coryell</b> . . . . .	.3
<b>Smada, Fort Bend</b> . . . . .		<b>SOCORRO, El Paso (22,995)</b> . . . . .	29,131	<b>'Southridge Estates, Guadalupe</b> . . . . .	.125
<b>Smada, Lee</b> . . . . .		<b>Soda, Polk</b> . . . . .		<b>South Riverside, Gonzales</b> . . . . .	
<b>Small, Hudspeth</b> . . . . .		<b>Soda Springs, Caldwell</b> . . . . .		<b>Southsan, Berar</b> . . . . .	
<b>Small, Van Zandt</b> . . . . .		<b>Sodom, Hunt</b> . . . . .		<b>South San Antonio, Berar</b> . . . . .	
<b>Small, Williamson</b> . . . . .		<b>Sodom, Wood</b> . . . . .		<b>South San Pedro, Nueces</b> . . . . .	1,912
<b>Smead, McLennan</b> . . . . .		<b>Sodville, San Patricio</b> . . . . .		<b>South Shore, Bell</b> . . . . .	.40
<b>Smeltertown, El Paso</b> . . . . .		<b>Soldier Mound, Dickens</b> . . . . .	.12	<b>SOUTHSIDE PLACE, Harris</b>	
<b>Smetana, Brazos</b> . . . . .	80	<b>Soldiers' Camp, Medina</b> . . . . .		<b>(1,392)</b> . . . . .	1,358
<b>Smilax, Wood</b> . . . . .		<b>Solino, Hidalgo</b> . . . . .		<b>South Sulphur, Hunt</b> . . . . .	.60
<b>*SMILEY [Lake], Gonzales, 32</b>		<b>Solitude, Brazoria</b> . . . . .		<b>South Texarkana, Bowle</b> . . . . .	.370
<b>(463)</b> . . . . .	507	<b>Solitude, El Paso</b> . . . . .		<b>South Texarkana, Cass</b> . . . . .	
<b>Smith, Bell</b> . . . . .		<b>Solms, Comal</b> . . . . .	.40	<b>Southton, Berar</b> . . . . .	.113
<b>Smith, Kaulman</b> . . . . .		<b>Solon, Wilbarger</b> . . . . .		<b>South Vernon, Wilbarger</b> . . . . .	
<b>Smith, Upshur</b> . . . . .		<b>Somerset, Atascosa</b> . . . . .		<b>Soul Creek, La Salle</b> . . . . .	
<b>Smith Creek, Clay</b> . . . . .		<b>'SOMERSET, Bexar, 80</b>		<b>Sowell, Nolan</b> . . . . .	
<b>Smithdale, Childress</b> . . . . .		<b>(11,144)</b> . . . . .	1530	<b>Sowells Bluff, Fannin</b> . . . . .	
<b>Smithers Lake, Fort Bend</b> . . . . .		<b>Somerset, Williamson</b> . . . . .		<b>Sowers, Dallas</b> . . . . .	
<b>Smith[s] Ferry, Tyler</b> . . . . .		<b>'SOMERVILLE, Burleson, 123</b>		<b>'Spade, Lamb, 10</b> . . . . .	.174
<b>Smithfield, Polk</b> . . . . .		<b>(1,542)</b> . . . . .	1660	<b>Spade, Mitchell</b> . . . . .	
<b>Smithfield, Tarrant</b> . . . . .		<b>Sommer, Cottle</b> . . . . .		<b>Spanish Camp, Wharton</b> . . . . .	
<b>Smith Grove, Houston</b> . . . . .		<b>Sommers Mill, Bell</b> . . . . .	6	<b>Spanish Fort, Montague</b> . . . . .	.50
<b>Smithland, Marion</b> . . . . .	179	<b>Soncy, Potter</b> . . . . .		<b>Spanish Trail, Hood</b> . . . . .	.478
<b>Smithland, Marion</b> . . . . .		<b>\$'SONORA, Sutton, 279</b>		<b>Sparenberg, Dawson</b> . . . . .	.20
<b>Smithland, Milam</b> . . . . .		<b>(2,751)</b> . . . . .	2,983	<b>Sparks, Bell</b> . . . . .	.30
<b>Smith Oaks, Grayson</b> . . . . .		<b>Soon-over, Hopkins</b> . . . . .		<b>† Sparks, El Paso (1,276)</b> . . . . .	1,470
<b>Smith Point, Chambers</b> . . . . .	150	<b>Sorghumville, Houston</b> . . . . .		<b>Sparks Colony, Aransas</b> . . . . .	
<b>Smiths Bend, Bosque</b> . . . . .	NA	<b>Sorgo, Bandera</b> . . . . .		<b>Sparksville, Leon</b> . . . . .	
<b>Smiths Bluff, Jefferson</b> . . . . .	NA	<b>Sorrella, Wharton</b> . . . . .		<b>spare, Bell</b> . . . . .	
<b>Smith's Landing, Marion</b> . . . . .		<b>Sorrels Creek, Comal</b> . . . . .		<b>Sparta, Palo Pinto</b> . . . . .	
<b>Smithson Valley, Comal</b> . . . . .	15	<b>Sotol, Kinney</b> . . . . .		<b>Spar, Montague</b> . . . . .	
<b>Smith's Ranch, Culberson</b> . . . . .		<b>Sotol, Val Verde</b> . . . . .		<b>Spaulding, Hidalgo</b> . . . . .	
<b>Smith's Ranch, Hudspeth</b> . . . . .		<b>Souleman, Archer</b> . . . . .		<b>Speakeville, Lavaca</b> . . . . .	
<b>Smith's Store, Cass</b> . . . . .		<b>Soules Chapel, Upshur</b> . . . . .		<b>'Speaks, Lavaca</b> . . . . .	60
<b>Smithton, Montague</b> . . . . .		<b>Soumethun, Dallas</b> . . . . .		<b>Spear, Brazos</b> . . . . .	
<b>'SMITHVILLE, Bastrop, 245</b>		<b>'SOUR LAKE, Hardin, 120</b>		<b>\$'SPEARMAN, Hansford, 314</b>	
<b>(3,196)</b> . . . . .	4,076	<b>(1,547)</b> . . . . .	1,755	<b>(3,197)</b> . . . . .	3,043
<b>Smithville, Bosque</b> . . . . .		<b>Sour Lake, Jefferson</b> . . . . .		<b>Spears Chapel, Newton</b> . . . . .	
<b>Smithwick [Mills], Burnet</b> . . . . .	52	<b>Sour Lake Spring, Hardin</b> . . . . .		<b>Specht Store, Bexar</b> . . . . .	.20
<b>Smithwick's, Travis</b> . . . . .		<b>Sour Spring, Caldwell</b> . . . . .		<b>Speckville, Menard</b> . . . . .	
<b>Smitty, Henderson</b> . . . . .		<b>Sour Spring, Caldwell</b> . . . . .		<b>Speed, Van Zandt</b> . . . . .	
<b>Smoothing iron, Lavaca</b> . . . . .		<b>Southard, Donley</b> . . . . .		<b>Speedwell, Hale</b> . . . . .	
<b>Smoots, Denton</b> . . . . .		<b>Southbank, Wichita</b> . . . . .		<b>Speegleville, McLennan</b> . . . . .	.111
<b>'SMYER, Hockley, 28 (442)</b> . . . . .	439	<b>'South Bend, Young, 5</b> . . . . .	140	<b>Speer, Wood</b> . . . . .	
<b>Smyrna, Cass</b> . . . . .	215	<b>South Bosque, McLennan</b> . . . . .	500	<b>Speer's Mill, Denton</b> . . . . .	
<b>Smyrna, Harrison</b> . . . . .		<b>South Brice, Hall</b> . . . . .	15	<b>Spence, Harris</b> . . . . .	
<b>Smyrna, Nacogdoches</b> . . . . .		<b>South Camp, King</b> . . . . .	20	<b>Spencer, Hunt</b> . . . . .	
<b>Smyrna, Rains</b> . . . . .	25	<b>South Concho, Tom Green</b> . . . . .		<b>Spencer, Montague</b> . . . . .	
<b>Smyrna, Rusk</b> . . . . .		<b>Southdown, Brazoria</b> . . . . .	2,427	<b>Spencer Parker-</b>	
<b>Smyth, Uvalde</b> . . . . .		<b>South Franklin, Franklin</b> . . . . .	30	<b>Spencer, Red River</b> . . . . .	
<b>Smyth's Bluff, Jefferson</b> . . . . .		<b>South Gabriel, Burnet</b> . . . . .		<b>Spencer's Ranch, Presidio</b> . . . . .	
<b>Snake Prairie, Bastrop</b> . . . . .		<b>South Gabriel, Williamson</b> . . . . .		<b>Sperry, Grayson</b> . . . . .	
<b>snag, Panola</b> . . . . .		<b>South Gate, Grayson</b> . . . . .		<b>'Spicewood, Burnet, 199</b> . . . . .	NA
<b>Snead, Burnet</b> . . . . .		<b>South Grape Creek, Kendall</b> . . . . .		<b>Spicewood Springs, Travis</b> . . . . .	NA
<b>Sneed, Mills</b> . . . . .		<b>South Grovelton, Trinity</b> . . . . .		<b>Spider Mountain, Burnet</b> . . . . .	.42
<b>Sneed, Travis</b> . . . . .		<b>South Hanlon, Stephens</b> . . . . .		<b>Spidletop, Jefferson</b> . . . . .	
<b>Sneedville, Cottle</b> . . . . .		<b>South Haven, Howard</b> . . . . .		<b>Spiers', Fayette</b> . . . . .	
<b>Sneedville, San Augustine</b> . . . . .		<b>'SOUTH HOUSTON, Harris, 636</b>		<b>Spillman's Island, Harris</b> . . . . .	
<b>Snell's [Store], Newton</b> . . . . .		<b>(114,207)</b> . . . . .	15,266	<b>Spillers Rancho, McCulloch</b> . . . . .	
<b>Snider Springs, Van Zandt</b> . . . . .		<b>South Jenico, Shelby</b> . . . . .		<b>Spillers Store, Leon</b> . . . . .	NA
<b>Snipe, Brazoria</b> . . . . .		<b>'SOUTHLAKE, Tarrant-Denton</b>		<b>Spivey, Rusk</b> . . . . .	
<b>'SNOOK, Burleson, 32 (489)</b> . . . . .	525	<b>461 (7,082)</b> . . . . .	13,440	<b>Spivey, Shelby</b> . . . . .	
<b>snow, Leon</b> . . . . .		<b>Southland, Garza, 2</b> . . . . .	157	<b>Spawn, Milam</b> . . . . .	
<b>Snowball, Walker</b> . . . . .		<b>South Laredo, Webb</b> . . . . .		<b>'SPLENDORA, Montgomery</b>	
<b>Snow Hill, Collin</b> . . . . .	20	<b>South Leon, Comanche</b> . . . . .		<b>165 (745)</b> . . . . .	.975
<b>Snow Hill, Morris</b> . . . . .		<b>South Liberty, Liberty</b> . . . . .		<b>SPOFFORD, Kinney, 1 (68)</b> . . . . .	.66

### **Exhibit 3**

( Smiley Community Radio Company Petition for Rulemaking,  
Siniley Community Radio Company withdrawal,  
FCC 323 Ownership Report for station KNRG/ New Ulm)



LAW OFFICES

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COUNSEL

WILLIAM M. BARNARD  
HENRY E. CRAWFORD  
JAMES K. EDMUNDSON

July 20, 2000

**BY HAND DELIVERY**


Ms. Magalie R. Salas, Secretary  
Federal Communications Commission  
Portals II, TW-A325  
445 Twelfth Street, S.W.

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JUL 20 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: In the Matter of Amendment of  
Section 73.202(b) Table of Allotments  
FM Broadcast Stations  
Smiley, Texas  
MM Docket No.:

  
Henry E. Crawford  
Counsel for  
Smiley Community Radio  
Company

cc: The Allocations Branch

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BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C.

In the Matter of	)	MM Docket No. _____
	)	
Amendment of Section 73.202(b)	)	RM No. _____
Table of Allotments	)	
<b>FM</b> Broadcast Stations	)	
Smiley, Texas	)	

To: The Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

Smiley Community Radio Company ("Smiley"), by counsel, hereby petitions the Federal Communications Commission for the initiation of a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202 of the Commission's Rules, to assign FM Channel 280A to the community of Smiley, Texas, as follows:

City	Present	Proposed
Smiley, Texas	--	280A

1. As indicated in the attached Engineering Study (attached hereto as Exhibit 1), Channel 280A can be assigned to Smiley in complete compliance with the Commission's distance separation requirements as contained in 47 CFR §73.207. The reference coordinates: 29-13-34 N 97-35-18 W will show the 70dbu (city grade contour) entirely encompassing the city of Smiley, Texas. Moreover, there is a wide area available for placing an appropriate transmitter.

2. Smiley is designated in the 1990 census as a city located in Gonzales County, Texas. Smiley has a 1990 census population of 463 persons, Smiley has its own post office and zip code. It has several places of worship including the Smiley United Methodist Church, Efeso Baptist Church and the Country Baptist Church. Smiley has its own middle school and library. Additionally, Smiley has a number of businesses and local institutions including, *inter alia*, Smiley Produce & Feed, the Smiley Grocery Store, the Smiley One Stop, Smiley Disposal, Smiley Housing Authority and the Smiley City Offices.

3. Therefore, the public interest will **be** served by the assignment of Channel 280A to Smiley, Texas.

4. If the Commission assigns Channel 280A to Smiley, Texas, Smiley Community Radio Company will apply for a construction permit and will construct a new facility upon award of that permit.

**WHEREFORE**, in accordance with the above, Smiley Community Radio Company respectfully requests that Channel 280A **be** assigned to Smiley, Texas.

July 20, 2000

Smithwick & Belendiuk, P.C.

5028 Wisconsin Avenue, N.W.

Suite 301

Washington, D.C. 20016

(202) 363-4050

E-Mail: [hc@HenryCrawfordLaw.com](mailto:hc@HenryCrawfordLaw.com)

Web: <http://www.HenryCrawfordLaw.com>

Respectfully Submitted,

Smiley Community Radio  
Company

By: 

Henry E. Crawford

Its Attorney

Smilfey Community **Radio** Company  
Petition for Rulemaking  
**July 20, 2000**

**EXHIBIT 1**

# Smiley Community Radio Company

## FM Channel 280A Study

N29-13-34

W97-35-18

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	San Marcos	TX	278	C	U	95.1	95.0	342.7°	0.0
KEYIFM	San Marcos	TX	278	C	L	95.1	95.0	342.7'	0.0
ALC	Sinton	TX	279	C1	U	132.9	133.0	173.6'	-0.1
KOUL	Sinton	TX	279	C1	L	132.9	133.0	173.6'	-0.1
ALC	Cameron	TX	280	C2	U	181.7	166.0	21.2°	15.7
ALC	Pearsall	TX	281	C1	A	132.7	133.0	146.5'	-0.3
ALC	San Antonio	TX	283	C1	U	89.7	75.0	283.8'	14.7
KZEPFM	San Antonio	TX	283	C1	L	89.7	75.0	283.8°	11.7

## All Distances in Kilometers

Smiley, Texas is located at N29-16-17, W97-38-15. Allotment site is **8.4** kilometers southeast of the city.

1990 US Census Data  
Database: C90STF1A  
Summary Level: **State--Place**

---

**Smiley city:** PIPS.STATE-48, PIPS.PLACE90-60300

PERSONS

Universe: *Persons*

Total.....163

SMITHWICK & BELENDIUK, P.C.

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GARY S. SMITHWICK  
ARTHUR V. BELENDIUK

COUNSEL

WILLIAM M. BARNARD  
HENRY E. CRAWFORD  
JAMES K. EDMUNDSON

October 10, 2000

**BY HAND DELIVERY**

Ms. Magalie R. Salas, Secretary  
Federal Communications Commission  
Portals II, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**RECEIVED**

OCT 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re:

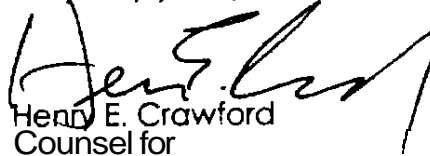
In the Matter of  
Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
Smiley, Texas  
MM Docket No. 00-149; / RM-9940

Dear Ms. Salas:

Transmitted herewith on behalf of Smiley Community Radio Company are an original and four (4) copies of its "Withdrawal" as directed to the Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,

  
Henry E. Crawford  
Counsel for

Smiley Community Radio  
Company

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BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C.

In the Matter of

)  
)  
)  
)  
)  
)

MM Docket No. 00-149

Amendment of Section 73.202(b)

RM-9940

**RECEIVED**

Table of Allotments

FM Broadcast Stations

Smiley, Texas

OCT 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**WITHDRAWAL**

Smiley Community Radio Company ("Smiley"), by counsel, hereby advises the Commission of its withdrawal from the above-captioned rulemaking proceeding. A Declaration of no consideration is attached hereto as Exhibit 1.

**WHEREFORE**, in accordance with the above, Smiley Community Radio Company respectfully withdraws from the ~~above-captioned~~ proceeding

October 10, 2000

Respectfully Submitted,

Smithwick & Belendiuk, P.C.

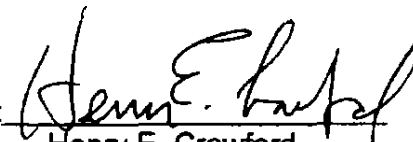
Smiley Community Radio  
Company

5028 Wisconsin Avenue, N.W.  
Suite 301

Washington, D.C. 20016  
(202) 363-4050

E-Mail: [hc@HenryCrawfordLaw.com](mailto:hc@HenryCrawfordLaw.com)  
Web: <http://www.HenryCrawfordLaw.com>

By:

  
Henry E. Crawford  
Its Attorney



Smilery Community Radio Company  
Withdrawal  
October 10, 2000

**EXHIBIT 1**

## **DECLARATION**

I, Roy E. Henderson, principal of Smiley Community Radio Company, ("Smiley"), under penalty of perjury, ~~hereby state~~ and declare ~~the~~ following:

1. On July 20, 2000, Smiley filed comments in MM Docket 00-149.
2. Neither Smiley, nor anyone affiliated with Smiley has either paid or promised to pay any money or other consideration in exchange for the proposed withdrawal of Smiley from MM Docket 00-149.

The above ~~statements of fact are~~ true and ~~correct~~ to the ~~best~~ of my ~~own~~ personal knowledge and belief.

Signed ~~and~~ dated this 10<sup>th</sup> day of October, 2000

  
\_\_\_\_\_  
Roy E. Henderson

Federal Communications Commission Washington, D.C. 20554  <b>FCC 323</b>	Approved by OMB 3060-0010 (September 2000)	FOR FCC USE ONLY
<b>OWNERSHIP REPORT FOR COMMERCIAL BROADCAST STATIONS</b>  Read INSTRUCTIONS Before Filling Out Form		FOR COMMISSION USE ONLY FILE NO. BOA - 19990728AAK

1	Legal Name of the Licensee/Permittee ROY E. HENDERSON DBA NEW ULM BROADCASTING CO.		
	Mailing Address P.O. BOX 948		
	City HOUSTON	TX	
	Telephone Number 7132272600		
			KNRG

2	Contact Representative (if other than Licensee/Permittee) ROY E. HENDERSON	Firm or Company Name
	Telephone Number (include area code) 7132272600	E-Mail Address (if available)

3	Name of entity, if other than licensee or permittee, for which report is filed		
	Mailing Address		
	City	State or Country (if foreign address)	ZIP Code
	Telephone Number (include area code)	E-Mail Address (if available)	
		NA	

4	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Fee-exempt Report <input type="radio"/> Other
---	--

## Section II - Ownership Information

5.	a. <input checked="" type="radio"/> Biennial	b. <input type="radio"/> Transfer of Control or Assignment of License/Permit	c. <input type="radio"/> Other
for the following stations:  [Enter Station Information]			
Station List			